

**BELLINGHAM PLANNING BOARD**

**P.O. BOX 43**

**BELLINGHAM, MASSACHUSETTS 02019**

**RICHARD V. DILL, CHAIRMAN**  
**PAUL CHUPA**  
**VALERIE DeANGELIS**  
**ANNE M. MORSE**  
**WILLIAM M. WOZNIAK**  
**STEVEN CHOINIERE (Alt.)**

**MINUTES OF REGULAR MEETING**

**May 13, 1999**

Meeting commenced at 7:00 pm. All members were present except SC. Minutes recorded by Planning Coordinator Jill Karakeian.

**GENERAL BUSINESS**

The Board reorganized and WW turned the meeting over to JK. JK asked if there were any nominations for Chairman. AM nominated RD for Chairman. VD seconds. JK asked if there were any other nominations. None, nominations closed. Unanimous vote of 5 (RD, PC, VD, AM and WW),

RD called for nominations for Vice Chairman. AM nominated PC for Vice Chairman. VD seconds. No other nominations. Unanimous vote of 5 (RD, PC, VD, AM and WW).

RD called for nominations for Secretary. AM nominated WW. WW declined. WW nominates VD for Secretary. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

PC motions to appoint Jill Karakeian as Clerk for the Planning Board for the coming year. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

**ZOOTS/MILFORD NATIONAL**

Fred Ayer, Superintendent of the construction of Zoots/Milford National at Stallbrook Marketplace. He presented to the Board that they have discovered that there is an easement for a power line through the property. There are two primary power conduits. According to Dig Safe they are 17' away from where they are supposed to be. We tried to figure out ways to lay this pipe back down and with the slope that we are putting in, these two conduits would be about 2' above the ground. Then the idea of the block wall came into play. We would like to built a four foot wall that would reduce the slope that was approved on the plans and get back the slope that is basically there now.

RD asked what the voltage lines were for and if they were feeding the Stallbrook Marketplace?

FA says that they know what one of the primary feeds do, but they don't know what the other one is. We do know where it comes from and we know there is a discharge pump right by a transformer. What else it does, nobody seems to know. Al Rocco and the Site Superintendent had no idea and couldn't give us any direction.

VD asked what Dig Safe had to say?

FA said that Dig Safe was there for the telephone company and they were notified. I haven't seen anyone and typically, they won't react.

WW asked what FA was proposing to do?

FA shows the Board a plan showing what is there now and what is proposed. We are going to pick up on the existing block wall and bring it along the Hartford Ave. side of the parking lot Zoots/Milford National. The wall should be between 3'6" and 4'. At our curbing the parking lot the elevation is at 223 and the top of the hill it goes up to 228. The wall will be lower than Hartford Ave. It will allow me to bury those lines at least 1' below the ground.

AM says that from Phil's comments, it sounds like he feels it will improve the conditions. I also agree that we should be given a plan showing the power lines and their location for future reference.

RD my concern is that if it is 37,000 volts and you are just burying it 1'.

FA says that the code book says 12" and it is going to be tuff to get it down to those 12".

RD says that it is 18" in Massachusetts below the frost line.

FA says that it is not for Boston Edison. Boston Edison is taking claim to the wire, there is no question there. They are not taking claim to the conduit that the wire runs through.

VD suggests sending a letter to the Building Inspector and letting him know that it is okay for Fred Ayer to install this wall and change the grade that was previously approved to bury the exposed conduit.

FA asked if he could get a copy of the letter to the Building Inspector.

The Board signed the letter to the Norfolk Registry of Deeds to register Valerie De'Angelis's signature. They also signed payroll for Jill Karakeian and the Quarterly payroll for the Board.

#### **BUNGAY BROOK GOLF CLUB – DEVELOPMENT PLAN REVIEW – Continued**

Joe Antonellis, Attorney representing TRG Family Limited Partnership, Owners and Developers of the Bungay Brook Golf Club. We have gone through the Conservation Commission hearing process, relative to the Orders of Conditions and the public hearing has been closed and an Order

of Conditions has been issued. We have a variety of items that we need to deal with relative to staying away from the Brook and that the Reservoir is protected. The Special Permit for the removal of the gravel from the Zoning Board of Appeals and got a unanimous decision in favor of our application which will allow us to remove somewhere in the neighborhood of 390,000 yards of gravel from the property. The family got together with some people in the town relative to safety issues and some work that needs to be done on Locust Street. They agreed in addition to posting the bond, to make \$15,000.00 directly payable to the Town for the purpose of redoing parts of Locust Street under the direction of the DPW. It is a two year permit and the hours of operations were limited, five days a week and the way the trucks travel down Locust Street will go out one way and come in the other. We are here tonight to finish up some Site Plan aspects. We will be back in front of you on June 10<sup>th</sup> relative to the Special Permit for the ground cover issue. The Conservation Commission is aware that we are going to be taking some Storm Water off of Locust Street and putting it into the pond on the property and those issues have been sent out for review through Denis Fraine to an independent engineer.

Mike Simmons of Guerrier and Halnon shows the Board revisions made to the plans. We have relocated some of the edges of the fairways along the wetlands per ConCom. Our original proposal showed maintenance building on the left when you come into the site. We have moved it further over so that it is more accessible to the fairways itself. We have also changed a little bit of our parking areas. Originally we had 99 parking spaces and by moving the building we freed a little more parking and we know have parking for approximately 107 cars and 6 cars around the maintenance building. We also had proposed a parking lot down to the left of the original parking area that is there now. We aren't going to construct that parking now. We don't need that additional parking. The area is going to be graded and maintained and used possibly as an overflow parking area should that happen. Phil and I met with Don DiMartino and talked about providing some drainage on Locust Street. Also is the plan that shows the landscaping that is going to be done around the buildings and parking areas. I spoke to Phil Herr's office today and they just received the plans, so they need more time to review them.

VD questioned that she saw three structures on the plan.

M. Simmons explains that there is the Clubhouse, the Maintenance Building and there is an existing house that will remain.

RD asked the formula that was used to calculate the parking for three different buildings as well as the golf course?

M. Simmons says that we used similar golf courses in the area.

Phil Gareau says that he went over to New England Country Club, which is an 18 hole golf course, plus it has large functions and a restaurant and they have 100 spaces.

VD asked if there was going to be a restaurant at Bungay Brook Golf Club?

P. Gareau says yes.

WW asked if it was going to be <sup>open</sup> upon to the public as well as the golfers?

P. Gareau says yes.

WW says then it will have to abide by the parking requirements that is required.

VD asked for the seating capacity.

P. Gareau said approximately 120 people.

WW mentioned them talking to Phil Herr regarding that, because he worked it out with Pine Acres on Wrentham Road with a reserved area.

Howard Moyer, Golf Course Architect, explains that typical the golfers are the ones using the restaurant.

VD asked how many spaces are in the overflow parking area?

P. Gareau says about 25 cars.

AM mentioned graveling the overflow area incase in needs to be used.

P. Gareau says that it is our plan to start with golf and the pro-shop. Then the restaurant and if we see that we need additional parking, we definitely will use that area and pave it.

H. Moyer explains that on a typical 18 hole golf course with a restaurant we provide 150 – 200 parking spaces. On a 9 hole golf course we would provide 100 to 110 parking and typically handles both of those functions. Most of the users of the restaurant are the golfers.

P. Gareau says that our intentions were that if we did have a wedding and people golfing at the same time we would have some valet<sup>+</sup> parking and park cars in the grass area and it would be controlled by us. If in the future we needed to pave it we would. It is in front of my mothers house and we are trying to keep her a little bit private.

AM says that our concern is with them parking on Locust Street.

P. Gareau says that won't happen.

J. Antonellis says that we will address it with Phil Herr.

AM motions to continue the Development Plan Review for Bungay Brook Golf Course to May 27, 1999 at 8:30 pm. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

**HARTFORD VILLAGE – SPECIAL PERMIT & PRELIMINARY SUBDIVISION**  
**Public Hearing**

WW motions to waive the reading of the Public Hearing notice. PC seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Joe Antonellis, Atty. representing Hartford Village Realty Corporation, Principal Brad Wright. Mark Anderson and Paul Hutnik of Andrews Survey & Engineering is here as well as Brian Maine & Brian Judge the Architects for the project. The application is for a Special Permit to construct a Multi-Family residential dwelling. Under Section 4400 of the Zoning Bylaw a landowner has the right in a multi-family district to create multi-family uses provided that there are no more than 50 units combined on the property that existed at the time of the zoning bylaw going into effect. Mr. Wright's own personal house is counted into the number of total bedrooms and units that can exist on this piece of property. The property sits on the corner of Hartford Ave. and Hixon Street. It is presently used as a multi-family parcel property and there is an apartment building on the property that is rented out. Eventually that structure will be replaced by units that are ~~building~~ <sup>being</sup> built on the property in the proposed plans. Some of the units will be two-story and some will be one-story. The property will be serviced by an on-site septic system and is also serviced by town water. This is a special project and that we come in designating it as a "55 and over" project. Under the Massachusetts Anti-discrimination Statue, there is a provision that allows a developer to set aside a residential area soaly for the use of people of 55 years and over, which basically means, no children. We believe that this is a very positive type of development for this piece of property, because it provides an alternative form of housing for people in the town and will provide a very high tax base. The internal roadway configuration will be a private road which will be built to standards of the Bellingham Planning Board and will be maintained in total by the Homeowners Association. Massachusetts General Laws Chapter 151B Section 4 which will allows us to go into the area where we will not have children. We understand that this is located on a busy street. This particular use is a low traffic generator and that it will not have an overly negative impact on an already busy street.

WW asked the number of dwelling units?

J. Antonellis says there will be 49 units including Mr. Wright's house.

AM asked how many exist presently?

B. Wright says there are 14. When we begin construction we will tear down 2 apartments and there will never be more than 49 at any time.

M. Anderson of Andrews Survey & Eng. passed out some plans for people to view. The main entrance to the project is off of Hartford Ave. It's approximately 400' from the intersection of Hixon Street and is going to be designed and built to the Town of Bellingham standards. It comes to a cul-de-sac with an emergency (secondary) access that will be gated off onto Hixon Street. That was an early recommendation from the Planning Board to provide a secondary means of access in the event of an emergency. Hixon Street will not be used as an every day access. Under the bylaw we are required to put X amount of parking spaces and X amount of landscaping and green space. Doing this much pavement, we have to take into consideration all the runoff from the pavement, from the driveway, from the parking, from the roof and even from the lawns. Anything that we are shedding from this area at the present time we have to take into consideration and that is called pre-development. We take this water to a series of catch basins and piping and bring it into a detention facility. That detention facility is located to the right of the entrance roadway. With this detention design, we take in all the storm water, retain it for a

period of time and it leaves the detention pond at a rate that was equal to what was happening prior to this development. This pond is designed to capture runoff, salt, sand and things of that nature and allow it to settle in the bottom before it's left out. This detention pond will not hold water all the time. It will only hold water during a rain event. We do have comments from both the Fire Department and the Department of Public Works and those comments have not been addressed. The Planning Board themselves mentioned the looping of the water through the site. The widening of Hixon Street also came up at the preliminary meeting with the Planning Board. Mr. Wright has given to the Town 10' of land, 5' strip in fee and a 5' grading easement on the entire length of his property that would allow for the widening of Hixon Street. Our understanding, presently, the DPW does have a plan in the works to do some improvements to Hixon Street. The septic system that deals with this project is being submitted to the Board of Health and it produces less than 10,000 gallons a day of effluent water which would be pumped up to the leach field area up above the cul-de-sac on the site. It is two leach fields side by side, a series of tanks and pump chambers which will bring it up and pump it into the leach field area. We are providing a safe site distance and a safe intersection.

VD states that you are targeting 55 and older but is there anything to stop someone from having their adult child, 55 ~~and older~~ <sup>with</sup> living with them?

J. Antonellis says no, not an adult child.

VD asked how many bedrooms in each of these units?

B. Wright says all of the units will have two bedrooms.

AM asks about grandchildren?

J. Antonellis was not certain about that question and he said he would get an answer for the Board.

AM asked if the units were going to be sold?

B. Wright says he plans on renting all of the units, not selling any.

VD asked how many parking spaces per unit?

M. Anderson says 2 ½ spaces per unit.

WW notes in Phil's comments that he claims there is no proposed Subdivision here and asked why a Preliminary Plans for?

J. Antonellis says that it isn't a Subdivision, we are applying for a Special Permit.

B. Wright says that he filled out the Preliminary Application because he felt it was a preliminary.

J. Antonellis request that the application for a Preliminary Plan be withdrawn.

WW motions to accept the request to withdraw the Preliminary Application. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

WW also points out that the piece of the property that is being developed and the land that is up to the right. Is there any future use of the land up to the right not being touched at this time? If there is future use, why isn't it being shown at this time?

J. Antonellis says that we have discussed the future use of this property, but at the present time we have decided the best way to go is with this over 55 project. That is the most we can do without going to Concept Approval and going in front of Town Meeting. With the addition of any structure to that property that would constitute 50 units or more would require us to go the Town Meeting for Concept Plan Approval.

WW says that Phil made a comment that right now it is shown on the plans and designed as a Conventional Septic System?

M. Anderson says yes.

WW asks why other alternative or newer design systems haven't been looked at?

M. Anderson says that we have looked at other systems. Your bylaw keeps us under the guide lines with the 50 units, keeps us under what they call a Water Discharge Permit. We have a conventional design, works well with our client and works well with this project.

WW questioned accessing the site from Hixon Street and not Hartford Ave.

M. Anderson says that we have looked at it both ways. We felt accessing the site off of Hartford Ave. and creating a new entrance as Village Lane appears to be the safest route because we are actually creating a new wider intersection with even better site distance than what is existing on Hixon Street today. We are well over the standard guidelines for separation of intersections and site distance and by providing that emergency access off of Hixon Street gives us a good flow of traffic.

WW says that this wasn't mentioned in the informal meeting using Hixon Street as the primary entrance into the site. Hixon Street will be widened as well so, you have to take that into consideration as well.

M. Anderson says that they have no objections to looking at that option. One of these issues we would run into is the offset of our buildings. When we gave up some land on Hixon Street it becomes a certain offset of the building versus the height of the building, the set back lines of Hixon Street. That is why we did it five feet of grading and five feet deeding it over in fee so it wouldn't effect our setbacks.

Donna Moran (24 Hixon Street) informs the Board that the emergency exit comes out between my house and the house before mine. She feels that even if you widen the road it wouldn't be wide enough to accept more traffic.

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Chip Lanzellis (28 Hixon Street) says that as far as he knows of the plans for Hixon Street there are three options being investigated. One is to do nothing with the road. Second is to widen the road to make it two lanes. Third is to make it one way from Hartford Ave. towards Morse. The people that live here on the street would like to see them just repave it and leave it the width it is.

WW mentions sitting on the Board when Hixon Farm Estates came through as a subdivision hearing and I thought all the neighbors at the beginning of the street wanted it widened.

C. Lanzellis says that wasn't true, I was at those same meetings. They wanted the street to be left alone. We all didn't want to see the road changed.

WW asks then why did we have the developer pay all the money to have the street surveyed to see how wide we could make it?

C. Lanzellis says that the discussion was from Morse up to the new development, not from Hartford Ave. to Morse.

AM says that she thought the reason the whole street surveyed was for DPW, should they plan to widen any part of Hixon Street.

T. Guerin says that the widening of small narrow roads always benefits the residents for safety in the long run. Especially in the winter and that street is plowed. If there are cars coming both ways, someone has to back up because they just can't pass each other.

Carla Doyle (40 Hixon Street) asked where the septic system is in relations to Mr. Wright's house is? I'm aware that he is the first house on the right coming up Hixon Street. How far from his house is it?

M. Anderson says it is approximately 75 to 100 feet from the center of the system to the beginning of Brad Wright's property.

C. Doyle asked how far above the current grading is the top of the leach field going to be and how close to the edge of Hixon Street?

M. Anderson says that it is a slope. It is graded out towards the road. The highest point is about 10 to 12' above the grade that is on the wide of the road now. About 17' above road level.

Ralph Gadman (16 Hixon Street) says that he has a well on his property and was wondering if the septic system was far enough away and if it meets the setbacks?

M. Anderson says that the setback from a well is 100' and it does meet the setbacks. We can map the wells on our plans so you can see at the next meeting that they all meet the setbacks.

VD asked if the units were going to have cellars with walk-out basements?



B. Wrights says they will have cellars. A walk-out depends on the topo of the land some will have walk-outs, but most won't.

Anne Odabashion questioned why Mr. Wright decided to rent instead of sell these units?

B. Wright says that is still an option. Ideally, I would like to keep them all. I might make it mixed use (sell and rent) but it will still be 55 and over. It is still something I am considering.

A. Odabashion asked if the roadway going into the project could go at an angle and move it more towards the curve.

M. Anderson says that the road is coming out at the middle of the curve and that is ideal for site distance. Any opportunity you have you always come out as close to 90 degrees to the road your intersecting if possible. That maximizes your safety and the safety of the entire complex and the new intersection.

Carla Doyle asked how much of the parcel zoned multi-family does this project consume and how much will be left over?

Lynn Hamjian asked how do you calculate the bedrooms against the land and determine how many units are allowed?

RD mentioned that if they go 50 and over they need Town Meeting approval?

B. Wright says that it is approximately 14 units per acre. The overall parcel is 15.5 acres. The 23 acres mentioned in the ad is the description of the original deed.

M. Anderson says that we are using almost 8 acres for this project.

J. Antonellis explains that every bit of the acreage is being used because it is all one piece of property. We have more than enough land to do what we want to do. 40,000 sf for the first four units, 3,000 sf for each one thereafter.

B. Wright says that the math is 15.5 acres minus 40,000 sf times 3,000 sf per unit with the balance.

Concerned abutter on Hixon Street questioned the leach field and if it would have any trees or landscaping to hide it?

M. Anderson said that it would be clear cut. By Title IV we are obligated that we can't have any trees within a certain area around the active part of the leaching. It will clear cut almost down to the edge of the road because there is a slope there. We can't put trees because of the route system, but we can revegetate with ground cover, shrubs and things of that nature. What you will see is a grassed area. It will look like a big lawn. The area and what the clearing will be is 150' wide x 250' long.

Brian Sutherland (Yvonne Road) questioned Mr. Wright what he had in mind for rent and or selling price should he plan on selling any.

RD said that he doesn't think it is anybody's business.

VD mentions the memorandum from Phil Herr's office and that he had several items. There was some drawing gaps that should be looked at and revised for the next meeting. Use and Zoning of adjacent parcels are not shown. Zoning boundaries are not shown. Land elevations are not provided. The site area is not shown. He also mentioned if there was any innovative disposal possibilities that could be explored? DPW Director sent a letter to the Planning Board and he asked that the water line be looped.

M. Anderson says that there is a little bit of controversy between the DPW and Fire Department that we have to work out. We just want to make sure that we are doing right for both departments and we plan on meeting with both prior to our next meeting with the Planning Board.

VD says that Deputy Guerin from the Fire Department also mentions that the access road off of Hixon Street is not wide enough for the fire trucks. I think we should ask the Safety Officer to take a look at this and look at the site distance.

AM questioned an independent engineer to take a look at the project on behalf of the town and asked if the applicant was willing to pay the expense.

B. Wright agrees to pay for the independent engineer on behalf of the town to look at the project.

VD moves to continue the Special Permit Public Hearing for Hartford Village to June 10, 1999 at 9:00 pm. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

**MAPLEBROOK COMMONS – SPECIAL PERMIT & DEVELOPMENT PLAN  
REVIEW – PUBLIC HEARING – Continued**

RD informs Bob Maschi of Real-Estate Engineering Management that there is only a four member board that can vote tonight and they need four members to vote in the affirmative on a Special Permit.

Bob Maschi says that he wishes to continue until there is a five member board present.

Jill Karakeian mentions that June 10, 1999 at 9:30 pm is available for continuation of this hearing.

Bob Maschi says that June 10, 1999 at 9:30 pm is good and I would like to request an extension of the Development Plan Review until two weeks after our next meeting.

AM motions to accept the extension of the Special Permit & Development Plan Review of Maplebrook Commons until June 25, 1999. WW seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

**AUTO LICENSE – TOWN MEETING ARTICLE**

WW motions to waive the reading of the notice. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Guy Fleurette is in front of the Board to explain the purpose of this bylaw change. The Board of Selectmen in the last several months has been approached from a number of Class II licenses. That is what led us to look into this whole issue of used car licenses, where they exist, how they exist and also the policy of granting non-lot used car licensing.

AM asked what non-lot is?

G. Fleurette says that you don't have a used car license, your home is your office site, you don't park the vehicles on your site. It allows people to have access to auction sites. You have to certify that you have repair and access to the appropriate facilities to meet the State law guidelines. While the Board of Selectmen was on the issue, we reviewed where such licenses are permitted. We currently have 40 some odd licenses throughout the town, total, new, used. Looking at it, we became aware that the town is vulnerable for such businesses being located in all three areas. Industrial, Business 1 and Business 2. If you are familiar with where those areas are, the Board of Selectmen felt that these are not desirable areas to have such licenses. To have used car lots in these areas.

WW asked where B-2 is?

G. Fleurette says that where the Movie Theatre is B-2. There may be some B-2 on Farm Street. They are spotted areas. B-1 is Route 140 and Pulaski upper end.

AM asked why they want to remove Industrial from this?

G. Fleurette says that the Industrial areas in town we felt that they were areas that we didn't want used car licenses.

VD asked how this is going to effect the people that have the licenses in B-2 now?

G. Fleurette says, none what so ever. They are grandfathered. If they sell the property the license can be transferred and won't be effected. If they sell the property and not the licenses, then it will be effected.

Anne Odabashion went and got the large zoning map in the Board of Selectmen's office so everyone could see exactly what areas would be effected.

WW asked why you have to say a flat no in Industrial zone? Why can't you have it Zoning Board Approval of Special Permit? On an industrial piece of property, and a SAAB Dealer or a Chevy Dealers wants to open up, you will have to say no. If you have Special Permit approval, I think you would have some leverage.

G. Fleurette says that the Board of Selectmen's intention was to not have this type of business in these zones.

WW says that you are also saying that Boat, Farm Equipment, Sales, Rental, Service from yes to no. So, if a boat dealer or an RV dealer wanted to open, they can't? I think you're looking at some prime sites that would be a good suitable place for certain businesses that you are eliminating. You won't be able to sell tractors, or snow mobiles, or motorcycles.

AM says she agrees that we have too many car lots, I just think that this is going to far with the industrial zoned areas. B-2 makes sense, but not industrial.

G. Fleurette says that alot of areas abut residential areas and do we want the industrial zones and B-2 zones used for alot of little businesses in prime industrial land. I just don't think that is what we have in mind for the land that is available.

WW says that you're not just aiming it at cars. You are aiming it at a wide variety of things. I don't have a problem with the B-2, but the industrial I have a problem. A nice boat wholesaler or John Deere tractor would not be allowed in this town.

VD says that I think the problem is that you can't say we don't want little businesses, but we'll take a big one.

AM asked if you can just say "no Automobiles", but allow the rest in Industrial.

RD asked if you could amend the Article to have the same sub note as B-2. Just not allowing auto sales in industrial, which would still give you you're South-Worth Milton's, John Deere capability coming in.

G. Fleurette says to look at what is going on in the 495 corridor. I think this is a wise move. The town could end up with a number of small businesses in industrial areas and loose the potential for greater tax revenue and bigger businesses and jobs.

RD feels they are hand picking their businesses.

A. Odabashion feels that if we leave it the way it is, and all the industrial land is bought up and we have 30 little businesses on it. What is going to happen if a company like EMC is interested, there is no industrial land left. My goal is to protect and plan our industrial growth carefully.

WW suggests taking a look at what industrial zones are left to be built on. It is prime land and the small time business owner can't afford to buy any of it. I would like to see under "I" on the Article it to say yes with the footnote 15 next to it.

WW recommends that we do not recommend the Auto Sales Article as written. AM seconds. RD called for the vote. 2 yes, 2 no and 1 abstained.

**BARTON HILL – 32 WILLIAM WAY – DEVELOPMENT PLAN REVIEW – Public Hearing – Continued**

Jim Roessling of Metro-West Engineering representing John Warfield for Barton Hill located at 32 William Way. Right now what I'm showing is the proposed pavement and the existing conditions. We have met with Conservation Commission and they are going to issue an Order of

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Conditions pending the Planning Board's approval. Two weeks ago, we responded to the consultants comments. Since then, we received another letter from him today. There is going to be a minor change on the grading plan. The onsite storage tanks will be removed. The two outstanding issues that need to be resolved with your consultant was that he wants to do more testing in the recharge areas, one at building 3 and one at building 4.

RD mentions that the consultants letter states that he received revised submittals from Metro-West two days ago while the majority of the concerns have been addressed. He is awaiting final plan revisions.

J. Roessling states that we are re-issuing the two sheets and the changes to what you have in hand right now is a change in the grading swale and on the detail sheet. These are not major design issues, these are what he would feel more comfortable with.

AM asked if the Fire Department was satisfied?

Tom Guerin said that the biggest issue was if he was keeping the tanks, we were asking for an engineers report. He has also agreed to put additional hydrants on site that he has agreed to. The tanks are coming out, but the slab is staying. At some later date, maybe he could put a building there. As far as the site is, the Fire Department is pleased with what is going on.

RD suggests having Phil bring a Draft Decision to the next meeting.

WW motions to continue the Development Plan Review for Barton Hill, 32 William Way to May 27, 1999 at 7:45 pm. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

## MINUTES ACCEPTED

PC motions to accept the Minutes from the 3/11/99 meeting. WW seconds. Unanimous vote of 4 (RD, PC, AM and PC). VD abstains.

PC motions to accept the Minutes from the 3/25/99 meeting. AM seconds. Unanimous vote of 4 (RD, PC, AM and PC). VD abstains.

PC motions to accept the Minutes from the 4/8/99 meeting. WW seconds. Unanimous vote of 4 (RD, PC, AM and PC). VD abstains.

## GENERAL DISCUSSION

Jill lets the Board know what is going on with Chestnut Hill Condominiums. She spoke to TNT Building Contractors and they stated that they have an agreement to just building the condominiums and have nothing to do with completing the sitework as far as the detention pond and landscaping. She asked for a letter and a copy of the Purchase & Sale Agreement that states that. She is still waiting for the letter. She spoke to the Building Inspector and he was told from TNT that they had a disclaimer from the Planning Board.

VD says that the people that live over there are going to <sup>sue</sup> sew the town.

AM says that the Building Inspector should have never issued occupancy permits.

VD asked if the Condominium Association responded?

JK says no.

WW says that the Condo Assoc. is responsible for the detention pond. He feels they should get a letter.

AM says that Lee's letter is saying that occupancy permits shouldn't have been issued.

VD asked why we can't send a letter to the Condo Assoc. and give them the opportunity to respond back and maybe work with them to resolve this instead of just ignoring it and waiting for it to blow out.

AM feels they won't do anything. It is going to cost a lot of money to fix it. Before you send anything, I think you should speak to Town Counsel.

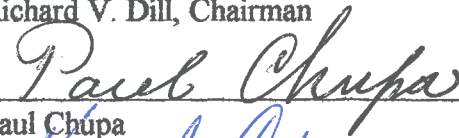
WW motions to have RD speak to Town Counsel and ask his opinion of sending a letter to the Condominiums Association for Chestnut Hill. AM seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

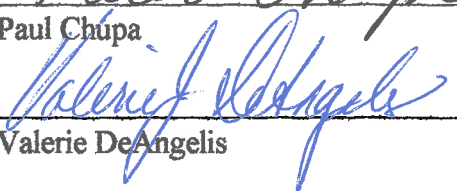
RD says he will talk to Town Counsel.

WW asked what triggers a Site Plan Review, because the old post office is putting on a large addition and they have not been before this board. I think that a letter needs to go to Stuart like we did for Honey Dew Donuts.

WW moves to adjourn at 11:35 pm. VD seconds. Unanimous vote of 5 (RD, PC, VD, AM and WW).

Richard V. Dill, Chairman

  
Paul Chupa

  
Valerie DeAngelis

Anne M. Morse

  
William M. Wozniak